

104TH CONGRESS
2D SESSION

H. R. 4039

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 18, 1996

Received

AN ACT

To make technical and clarifying amendments to recently enacted provisions relating to titles II and XVI of the Social Security Act and to provide for a temporary extension of demonstration project authority in the Social Security Administration.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Social Security Mis-
3 cellaneous Amendments Act of 1996”.

4 **SEC. 2. TECHNICAL AMENDMENTS RELATING TO DRUG AD-**
5 **DICTS AND ALCOHOLICS.**

6 (a) CLARIFICATIONS RELATING TO THE EFFECTIVE
7 DATE OF THE DENIAL OF DISABILITY BENEFITS TO
8 DRUG ADDICTS AND ALCOHOLICS.—

9 (1) AMENDMENTS RELATING TO DISABILITY
10 BENEFITS UNDER TITLE II.—Section 105(a)(5) of
11 the Contract with America Advancement Act of
12 1996 (Public Law 104–121; 110 Stat. 853) is
13 amended—

14 (A) in subparagraph (A), by striking “by
15 the Commissioner of Social Security” and “by
16 the Commissioner”; and

17 (B) by adding at the end the following new
18 subparagraph:

19 “(D) For purposes of this paragraph, an
20 individual’s claim, with respect to benefits
21 under title II of the Social Security Act based
22 on disability, which has been denied in whole
23 before the date of the enactment of this Act,
24 may not be considered to be finally adjudicated
25 before such date if, on or after such date—

1 “(i) there is pending a request for ei-
2 ther administrative or judicial review with
3 respect to such claim, or

4 “(ii) there is pending, with respect to
5 such claim, a readjudication by the Com-
6 missioner of Social Security pursuant to
7 relief in a class action or implementation
8 by the Commissioner of a court remand
9 order.”.

10 (2) AMENDMENTS RELATING TO SUPPLE-
11 MENTAL SECURITY INCOME DISABILITY BENEFITS
12 UNDER TITLE XVI.—Section 105(b)(5) of such Act
13 (Public Law 104–121; 110 Stat. 853) is amended—

14 (A) in subparagraph (A), by striking “by
15 the Commissioner of Social Security” and “by
16 the Commissioner”; and

17 (B) by adding at the end the following new
18 subparagraph:

19 “(D) For purposes of this paragraph, an
20 individual’s claim, with respect to supplemental
21 security income benefits under title XVI of the
22 Social Security Act based on disability, which
23 has been denied in whole before the date of the
24 enactment of this Act, may not be considered to

1 be finally adjudicated before such date if, on or
 2 after such date—

3 “(i) there is pending a request for ei-
 4 ther administrative or judicial review with
 5 respect to such claim, or

6 “(ii) there is pending, with respect to
 7 such claim, a readjudication by the Com-
 8 missioner of Social Security pursuant to
 9 relief in a class action or implementation
 10 by the Commissioner of a court remand
 11 order.”.

12 (b) CORRECTIONS TO EFFECTIVE DATE OF PROVI-
 13 SIONS CONCERNING REPRESENTATIVE PAYEES AND
 14 TREATMENT REFERRALS OF DRUG ADDICTS AND ALCO-
 15 HOLICS.—

16 (1) AMENDMENTS RELATING TO TITLE II DIS-
 17 ABILITY BENEFICIARIES.—Section 105(a)(5)(B) of
 18 such Act (Public Law 104–121; 110 Stat. 853) is
 19 amended to read as follows:

20 “(B) The amendments made by para-
 21 graphs (2) and (3) shall take effect on July 1,
 22 1996, with respect to any individual—

23 “(i) whose claim for benefits is finally
 24 adjudicated on or after the date of the en-
 25 actment of this Act, or

1 “(ii) whose entitlement to benefits is
2 based upon an entitlement redetermination
3 made pursuant to subparagraph (C).”.

4 (2) AMENDMENTS RELATING TO SUPPLE-
5 MENTAL SECURITY INCOME RECIPIENTS.—Section
6 105(b)(5)(B) of such Act (Public Law 104–121; 110
7 Stat. 853) is amended to read as follows:

8 “(B) The amendments made by para-
9 graphs (2) and (3) shall take effect on July 1,
10 1996, with respect to any individual—

11 “(i) whose claim for benefits is finally
12 adjudicated on or after the date of the en-
13 actment of this Act, or

14 “(ii) whose eligibility for benefits is
15 based upon an eligibility redetermination
16 made pursuant to subparagraph (C).”.

17 (c) REPEAL OF OBSOLETE REPORTING REQUIRE-
18 MENTS.—Subsections (a)(3)(B) and (b)(3)(B)(ii) of sec-
19 tion 201 of the Social Security Independence and Program
20 Improvements Act of 1994 (Public Law 103–296; 108
21 Stat. 1497, 1504) are repealed.

22 (d) EFFECTIVE DATES.—

23 (1) The amendments made by subsections (a)
24 and (b) shall be effective as though they had been
25 included in the enactment of section 105 of the Con-

1 tract with America Advancement Act of 1996 (Pub-
2 lic Law 104–121; 110 Stat. 852 et seq.).

3 (2) The repeals made by subsection (c) shall
4 take effect on the date of the enactment of this Act.

5 **SEC. 3. CLARIFICATION REGARDING REVIEW OF DETER-**
6 **MINATIONS BY STATE DISABILITY DETER-**
7 **MINATION SERVICES.**

8 Section 221(d) of the Social Security Act (42 U.S.C.
9 421(d)) is amended—

10 (1) by inserting “(1)” after “(d)”; and

11 (2) by adding at the end the following new
12 paragraph:

13 “(2) No determination under this section shall be re-
14 viewed by any person, tribunal, or governmental agency,
15 except as provided in paragraph (1).”.

16 **SEC. 4. EXTENSION OF DISABILITY INSURANCE PROGRAM**
17 **DEMONSTRATION PROJECT AUTHORITY.**

18 (a) IN GENERAL.—Section 505 of the Social Security
19 Disability Amendments of 1980 (Public Law 96–265; 94
20 Stat. 473), as amended by section 12101 of the Consoli-
21 dated Omnibus Budget Reconciliation Act of 1985 (Public
22 Law 99–272; 100 Stat. 282), section 10103 of the Omni-
23 bus Budget Reconciliation Act of 1989 (Public Law 101–
24 239; 103 Stat. 2472), section 5120(f) of the Omnibus
25 Budget Reconciliation Act of 1990 (Public Law 101–508;

1 104 Stat. 1388–282), and section 315 of the Social Secu-
2 rity Independence and Program Improvements Act of
3 1994 (Public Law 103–296; 108 Stat. 1531), is further
4 amended—

5 (1) in paragraph (1) of subsection (a), by add-
6 ing at the end the following new sentence: “The
7 Commissioner may expand the scope of any such ex-
8 periment or demonstration project to include any
9 group of applicants for benefits under such program
10 with impairments which may reasonably be pre-
11 sumed to be disabling for purposes of such experi-
12 ment or demonstration project, and may limit any
13 such experiment or demonstration project to any
14 such group of applicants, subject to the terms of
15 such experiment or demonstration project which
16 shall define the extent of any such presumption.”;

17 (2) in paragraph (3) of subsection (a), by strik-
18 ing “June 10, 1996” and inserting “June 10,
19 1997”;

20 (3) in paragraph (4) of subsection (a), by in-
21 serting “and on or before October 1, 1996,” after
22 “1995,”; and

23 (4) in subsection (c), by striking “October 1,
24 1996” and inserting “October 1, 1997”.

1 (b) EFFECTIVE DATE.—The amendments made by
 2 subsection (a) shall take effect on the date of the enact-
 3 ment of this Act.

4 **SEC. 5. PERFECTING AMENDMENTS RELATED TO WITH-**
 5 **HOLDING FROM SOCIAL SECURITY BENEFITS.**

6 (a) INAPPLICABILITY OF ASSIGNMENT PROHIBI-
 7 TION.—Section 207 of the Social Security Act (42 U.S.C.
 8 407) is amended by adding at the end the following new
 9 subsection:

10 “(c) Nothing in this section shall be construed to pro-
 11 hibit withholding taxes from any benefit under this title,
 12 if such withholding is done pursuant to a request made
 13 in accordance with section 3402(p)(1) of the Internal Rev-
 14 enue Code of 1986 by the person entitled to such benefit.”.

15 (b) PROPER ALLOCATION OF COSTS OF WITHHOLD-
 16 ING BETWEEN THE TRUST FUNDS AND THE GENERAL
 17 FUND.—Section 201(g) of such Act (42 U.S.C. 401(g))
 18 is amended—

19 (1) by inserting before the period in paragraph
 20 (1)(A)(ii) the following: “and the functions of the
 21 Social Security Administration in connection with
 22 the withholding of taxes from benefits, as described
 23 in section 207(c), pursuant to requests by persons
 24 entitled to such benefits”;

1 (2) by inserting before the period at the end of
2 paragraph (1)(A) the following: “and the functions
3 of the Social Security Administration in connection
4 with the withholding of taxes from benefits, as de-
5 scribed in section 207(c), pursuant to requests by
6 persons entitled to such benefits”;

7 (3) in paragraph (1)(B)(i)(I), by striking “sub-
8 paragraph (A)),” and inserting “subparagraph (A))
9 and the functions of the Social Security Administra-
10 tion in connection with the withholding of taxes from
11 benefits, as described in section 207(c), pursuant to
12 requests by persons entitled to such benefits,”;

13 (4) in paragraph (1)(C)(iii), by inserting before
14 the period the following: “and the functions of the
15 Social Security Administration in connection with
16 the withholding of taxes from benefits, as described
17 in section 207(c), pursuant to requests by persons
18 entitled to such benefits”;

19 (5) in paragraph (1)(D), by inserting after
20 “section 232” the following: “and the functions of
21 the Social Security Administration in connection
22 with the withholding of taxes from benefits as de-
23 scribed in section 207(c)”;

24 (6) in paragraph (4), by inserting after the first
25 sentence the following: “The Boards of Trustees of

1 such Trust Funds shall prescribe before January 1,
2 1997, the method of determining the costs which
3 should be borne by the general fund in the Treasury
4 of carrying out the functions of the Social Security
5 Administration in connection with the withholding of
6 taxes from benefits, as described in section 207(c),
7 pursuant to requests by persons entitled to such
8 benefits.”.

9 **SEC. 6. TREATMENT OF PRISONERS.**

10 (a) IMPLEMENTATION OF PROHIBITION AGAINST
11 PAYMENT OF TITLE II BENEFITS TO PRISONERS.—

12 (1) IN GENERAL.—Section 202(x)(3) of the So-
13 cial Security Act (42 U.S.C. 402(x)(3)) is amend-
14 ed—

15 (A) by inserting “(A)” after “(3)”; and

16 (B) by adding at the end the following new
17 subparagraph:

18 “(B)(i) The Commissioner shall enter into an agree-
19 ment, with any interested State or local institution com-
20 prising a jail, prison, penal institution, correctional facil-
21 ity, or other institution a purpose of which is to confine
22 individuals as described in paragraph (1)(A), under
23 which—

24 “(I) the institution shall provide to the Com-
25 missioner, on a monthly basis and in a manner spec-

1 ified by the Commissioner, the names, social security
2 account numbers, dates of birth, confinement com-
3 mencement dates, and, to the extent available to the
4 institution, such other identifying information con-
5 cerning the individuals confined in the institution as
6 the Commissioner may require for the purpose of
7 carrying out paragraph (1); and

8 “(II) except as provided in clause (ii), the Com-
9 missioner shall pay to the institution, with respect to
10 information described in subclause (I) concerning
11 each individual who is confined therein as described
12 in paragraph (1)(A), to whom a benefit under this
13 title is payable for the month preceding the first
14 month of such confinement, and whose benefit under
15 this title ceases to be payable as a result of the ap-
16 plication of this subsection, \$400 (subject to reduc-
17 tion under clause (iii)) if the institution furnishes
18 the information to the Commissioner within 30 days
19 after the date such individual’s confinement in such
20 institution begins, or \$200 (subject to reduction
21 under clause (iii)) if the institution furnishes the in-
22 formation after 30 days after such date but within
23 90 days after such date.

24 “(ii) No amount shall be payable to an institution
25 with respect to information concerning an individual under

1 an agreement entered into under clause (i) if, prior to the
2 Commissioner's receipt of the information, the Commis-
3 sioner has determined that benefits under this title are
4 no longer payable to such individual as a result of the ap-
5 plication of this subsection.

6 “(iii) The dollar amounts specified in clause (i)(II)
7 shall be reduced by 50 percent if the Commissioner is also
8 required to make a payment to the institution with respect
9 to the same individual under an agreement entered into
10 under section 1611(e)(1)(I).

11 “(iv) There shall be transferred from the Federal
12 Old-Age and Survivors Insurance Trust Fund and the
13 Federal Disability Insurance Trust Fund, as appropriate,
14 such sums as may be necessary to enable the Commis-
15 sioner to make payments to institutions required by clause
16 (i)(II). Sums so transferred shall be treated as direct
17 spending for purposes of the Balanced Budget and Emer-
18 gency Deficit Control Act of 1985 and excluded from
19 budget totals in accordance with section 13301 of the
20 Budget Enforcement Act of 1990.

21 “(v) The Commissioner is authorized to provide, on
22 a reimbursable basis, information obtained pursuant to
23 agreements entered into under clause (i) to any Federal
24 or federally-assisted cash, food, or medical assistance pro-
25 gram for eligibility purposes.”.

1 (2) EFFECTIVE DATE.—The amendments made
2 by this subsection shall apply as if included in the
3 enactment of section 203(a) of the Personal Respon-
4 sibility and Work Opportunity Reconciliation Act of
5 1996.

6 (b) ELIMINATION OF TITLE II REQUIREMENT THAT
7 CONFINEMENT STEM FROM CRIME PUNISHABLE BY IM-
8 PRISONMENT FOR MORE THAN 1 YEAR.—

9 (1) IN GENERAL.—Section 202(x)(1)(A) of such
10 Act (42 U.S.C. 402(x)(1)(A)) is amended—

11 (A) in the matter preceding clause (i), by
12 striking “during” and inserting “throughout”;

13 (B) in clause (i), by striking “an offense
14 punishable by imprisonment for more than 1
15 year (regardless of the actual sentence im-
16 posed)” and inserting “a criminal offense”; and

17 (C) in clause (ii)(I), by striking “an of-
18 fense punishable by imprisonment for more
19 than 1 year” and inserting “a criminal of-
20 fense”.

21 (2) EFFECTIVE DATE.—The amendments made
22 by this subsection shall be effective with respect to
23 benefits payable for months after February 1997.

24 (c) INCLUSION OF TITLE II ISSUES IN STUDY AND
25 REPORT REQUIREMENTS RELATING TO PRISONERS.—

1 (1) Section 203(b)(1) of the Personal Respon-
2 sibility and Work Opportunity Reconciliation Act of
3 1996 (Public Law 104–193) is amended—

4 (A) in subparagraph (A), by striking “sec-
5 tion 1611(e)(1)” and inserting “sections 202(x)
6 and 1611(e)(1)”; and

7 (B) in subparagraph (B), by striking “sec-
8 tion 1611(e)(1)(I)” and inserting “section
9 202(x)(3)(B) or 1611(e)(1)(I)”.

10 (2) Section 203(c) of such Act is amended by
11 striking “section 1611(e)(1)(I)” and all that follows
12 and inserting the following: “sections 202(x)(3)(B)
13 and 1611(e)(1)(I) of the Social Security Act.”.

14 (3) The amendments made by paragraph (1)
15 shall apply as if included in the enactment of section
16 203(b) of the Personal Responsibility and Work Op-
17 portunity Reconciliation Act of 1996 (Public Law
18 104–193). The amendment made by paragraph (2)
19 shall apply as if included in the enactment of section
20 203(c) of such Act.

21 (d) CONFORMING TITLE XVI AMENDMENTS.—

22 (1) PRECLUSION OF TITLE XVI PAYMENT WHEN
23 INFORMATION FURNISHED BY AN INSTITUTION IS
24 ALREADY KNOWN BY THE COMMISSIONER.—Section
25 1611(e)(1)(I) of the Social Security Act (as added

1 by section 203(a)(1) of the Personal Responsibility
2 and Work Opportunity Reconciliation Act of 1996
3 (Public Law 104–193)) is amended—

4 (A) in clause (i)(II), by inserting “except
5 as provided in clause (ii),” after “(II)”;

6 (B) by redesignating clauses (ii) and (iii)
7 as clauses (iv) and (v), respectively; and

8 (C) by inserting after clause (i) the follow-
9 ing new clause:

10 “(ii) No amount shall be payable to an institution
11 with respect to information concerning an inmate under
12 an agreement entered into under clause (i) if, prior to the
13 Commissioner’s receipt of the information, the Commis-
14 sioner has determined that the inmate is no longer an eli-
15 gible individual or eligible spouse for purposes of this title
16 as a result of the application of this paragraph.”.

17 (2) FIFTY PERCENT REDUCTION IN TITLE XVI
18 PAYMENT IN CASE INVOLVING COMPARABLE TITLE II
19 PAYMENT.—Section 1611(e)(1)(I) of such Act (as
20 amended by paragraph (1)) is amended further—

21 (A) in clause (i)(II), by inserting “(subject
22 to reduction under clause (iii))” after “\$400”
23 and after “\$200”; and

24 (B) by inserting after clause (ii) the follow-
25 ing new clause:

1 “(iii) The dollar amounts specified in clause (i)(II)
 2 shall be reduced by 50 percent if the Commissioner is also
 3 required to make a payment to the institution with respect
 4 to the same individual under an agreement entered into
 5 under section 202(x)(3)(B).”.

6 (3) EXPANSION OF CATEGORIES OF INSTITU-
 7 TIONS ELIGIBLE TO ENTER INTO AGREEMENTS WITH
 8 THE COMMISSIONER.—Section 1611(e)(1)(I)(i) of
 9 such Act (as added by section 203(a)(1) of the Per-
 10 sonal Responsibility and Work Opportunity Rec-
 11 onciliation Act of 1996 (Public Law 104–193)) is
 12 amended in the matter preceding subclause (I) by
 13 striking “institution” and all that follows through
 14 “section 202(x)(1)(A),” and inserting “institution
 15 comprising a jail, prison, penal institution, or correc-
 16 tional facility, or with any other interested State or
 17 local institution a purpose of which is to confine in-
 18 dividuals as described in section 202(x)(1)(A)(ii),”.

19 (4) LIMITATION ON CATEGORIES OF INMATES
 20 WITH RESPECT TO WHOM PAYMENT MAY BE
 21 MADE.—Section 1611(e)(1)(I)(i)(II) of such Act (as
 22 added by section 203(a)(1) of the Personal Respon-
 23 sibility and Work Opportunity Reconciliation Act of
 24 1996 (Public Law 104–193)) is amended by striking
 25 “inmate of the institution” and all that follows

1 through “in such institution and” and inserting “in-
 2 dividual who is eligible for a benefit under this title
 3 for the month preceding the first month throughout
 4 which the individual is an inmate of the jail, prison,
 5 penal institution, or correctional facility, or is con-
 6 fined in the institution as described in section
 7 202(x)(1)(A)(ii), and who”.

8 (5) TECHNICAL CORRECTION.—Section
 9 1611(e)(1)(I)(i)(II) of such Act (as amended by the
 10 preceding provisions of this subsection) is amended
 11 further by striking “subparagraph” and inserting
 12 “paragraph”.

13 (6) EFFECTIVE DATE.—The amendments made
 14 by this subsection shall apply as if included in the
 15 enactment of section 203(a) of the Personal Respon-
 16 sibility and Work Opportunity Reconciliation Act of
 17 1996 (Public Law 104–193). The references to sec-
 18 tion 202(x)(1)(A)(ii) of the Social Security Act in
 19 section 1611(e)(1)(I)(i) of such Act as amended by
 20 paragraphs (3) and (4) shall be deemed a reference
 21 to such section 202(x)(1)(A)(ii) as amended by sub-
 22 section (b)(1)(C).

23 (e) EXEMPTION FROM COMPUTER MATCHING RE-
 24 QUIREMENTS.—

1 (1) IN GENERAL.—Section 552a(a)(8)(B) of
2 title 5, United States Code, is amended—

3 (A) by striking “or” at the end of clause
4 (vi);

5 (B) by adding “or” at the end of clause
6 (vii); and

7 (C) by inserting after clause (vii) the fol-
8 lowing new clause:

9 “(viii) matches performed pursuant to
10 section 202(x) or 1611(e)(1) of the Social
11 Security Act;”.

12 (2) CONFORMING AMENDMENT.—Section
13 1611(e)(1)(I)(iv) of the Social Security Act (as
14 added by section 203(a)(1) of the Personal Respon-
15 sibility and Work Opportunity Reconciliation Act of
16 1996 (Public Law 104–193) and redesignated by
17 subsection (d)(1)(B)) is amended further by striking
18 “(I) The provisions” and all that follows through
19 “(II) The Commissioner” and inserting “The Com-
20 missioner”.

1 (3) EFFECTIVE DATE.—The amendments made
2 by this subsection shall take effect on the date of the
3 enactment of this Act.

Passed the House of Representatives September 17,
1996.

Attest:

ROBIN H. CARLE,
Clerk.